REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 9-15 are pending with Claims 1-8 canceled and Claims 9-15 added by the present amendment.

In the Official Action, the title of the invention was objected to; Figures 1 and 2 were objected to; Claims 1-3 and 5-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pombo et al. (U.S. Patent No. 5,799,256, hereinafter Pombo); and Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Pombo in view of Schroeder et al. (U.S. Patent No. 6,876,863, hereinafter Shroeder).

The Title and figures are amended as requested in the Official Action.

New Claims 9-15 substantially correspond to cancelled Claims 1-8, albeit rewritten to more clearly describe and distinctly claim Applicants' invention. Support for new Claims 9-15 is found in Applicants' originally filed specification. No new matter is added.

Briefly recapitulating, new Claim 9 is directed to a mobile terminal including a transmitter/receiver configured to transmit/receive a signal to/from a base station; a reception state measurement unit configured to measure a reception state of the signal from the base station received by the transmitter/receiver; and a movement state measurement unit configured to measure a movement state of the mobile terminal. The mobile terminal also includes a reception period controller configured to control a reception period for receiving a control signal transmitted from a base station by the transmitter/receiver, based on a reception state measurement result and a movement state measurement result. Independent Claims 12, 14 and 15 are directed to a corresponding control device, system and method, respectively.

Pombo describes a method and apparatus for reducing power consumption in a portable communications device by predicting a user's location, movement and actions.

Historical records of control channel and call activity are maintained in a memory 117 at the communications device 104 in order to predict calls. This permits the communications device 104 to conserve power in the battery 120 when no call activity is likely. The stored data is also used to predict what control channel should be scanned to search for a nearby base station 102. This permits the communications device 104 to scan a reduced number of control channels and reduce the time necessary for powering up the receiver 108 of the communications device 104.[1] In particular, <u>Pombo</u> discloses the technical feature that "predicting a user's location, movement and time the user need to communicate based on the user's past communication activity which have been recorded in advance" and "controlling a control channel search period based on the number of control channel consecutively received, which is transmitted through the same channel."

However, Pombo fails to disclose or suggest using **both** of the reception state and the movement state for controlling the reception period of a control signal (i.e., a period corresponding to the control channel search period) as recited in independent Claims 9, 12, 14 and 15.

Applicants note that there is a problem when a reception period (the control channel search period) is controlled using the reception state <u>only</u>. For example, when the reception state is measured in the location close to the base station, the reception state measurement result is good. Thus, the reception period will be lengthened. However, if the mobile terminal moves in high speed, the mobile terminal moves to the different cell covered by the different base station before the mobile terminal searches the control channel for the next time. Therefore, there is a problem that the mobile terminal cannot find the optimum base station as the connecting base station immediately when the reception period is controlled using the reception state <u>only</u>.

---

[1] <u>Pombo</u>, Abstract.

Similarly, there is a problem when a reception period (the control channel search period) is controlled using the movement state <u>only</u>. For example, when the mobile terminal does not move, the mobile terminal is in stationary state. Thus, the reception period will be lengthened. However, if the mobile terminal is located near the border of a plurality of cells, the frequency of changing the optimum base station as the connecting base station will increase since the radio circumstances tend to change frequently. Therefore, there is a problem that the mobile terminal cannot find the optimum base station as the connecting base station immediately when the reception period is controlled using the movement state <u>only</u>.

The claimed invention solves both of the above problems by using the reception state **and** the movement state for controlling the reception period. Thus, the claimed invention improves the accuracy of controlling the reception period.

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because <u>Pombo</u> does not disclose or suggest all the

features recited in Claims 9, 12, 14 and 15, <u>Pombo</u> does not anticipate the invention recited in

Claims 9, 12, 14 and 15, and all claims depending therefrom.

Applicants have considered <u>Schroeder</u> and submit <u>Schroeder</u> does not cure the

deficiencies of <u>Pombo</u>. <u>Schroeder</u> describes a portable radio telephone handset including the

capability of operating as a data transfer terminal as well as an analog cellular telephone

subscriber station.[2] In particular, <u>Schroeder</u> discloses "in communication (the state while in

communication) and stand-by (the state of stand-by), as the communication state of the

mobile terminal". As none of the cited prior art, individually or in combination, disclose or

suggest all the elements of independent Claims 9, 12, 14 and 15, Applicants submit the

inventions defined by Claims 9, 12, 14 and 15, and all claims depending therefrom, are not

rendered obvious by the asserted references for at least the reasons stated above.[3]

Accordingly, in view of the present amendment and in light of the previous

discussion, Applicants respectfully submit that the present application is in condition for

allowance and respectfully request an early and favorable action to that effect.

<div style="text-align: right;">

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

</div>

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Michael Monaco
Registration No. 52,041

I:\ATTY\MM\AMENDMENT\226094\242215US.AM DUE 9-16-05.DOC

---

[2] <u>Schroeder</u>, Abstract.
[3] MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

IN THE DRAWINGS

The attached sheets of drawings include changes to Figs. 1 and 2. These sheets,

which include Figs. 1 and 2, replace the original sheets including Figs. 1 and 2.

Attachment: Replacement Sheets